



6/9/04

LEGISLATIVE PETITION

PARTIAL-BIRTH ABORTION BAN

The Legal Birth Definition Act would attempt to ban partial birth abortion by defining when birth occurs, saying when any part of a fetus passes a woman's vaginal plane it is then born. The language in the proposal mirrors that of SB 395, which Governor Jennifer Granholm vetoed.

- The Legislative Petition passed [RC 364: 23 yes, 12 no]. Immediate Effect was not given to the Petition [RC 365: 23 yes, 10 no].

MESSAGES FROM THE HOUSE

SB 296 (Gilbert)

SB 296 would require health insurers who provide benefits for emergency services either: 1) to directly pay ambulance operations that transport a patient in an emergency or 2) to make payment jointly to the patient and the ambulance operation. In other words, payment could not be made directly to the patient alone. The House changed the effective date of the bill from April 1, 2004 to September 1, 2004.

Support: Michigan Association of Ambulance Services.

- The Senate concurred with the House changes to SB 296 [RC 363: 35 yes, 0 no]. Immediate Effect was given to the bill.

FINAL PASSAGE

SB 831 (George)

SB 832 (Hammerstrom)

SBs 831-32 would establish in statute what already is, for the most part, current practice, and help ensure that low-income, vulnerable populations continue to have access to necessary prescription medicines. The bills would provide for the creation of a financially sound preferred drug list that would not place an undue burden on physicians in their prescription options.

Support: National Kidney Foundation, National HIV-AIDS Alliance of MI, Epilepsy Foundation of MI, MI Parkinson's Foundation, MI Psychiatric Society, MI Assn. for Children with Emotional Disorders, Mental

Health Assn. of MI, National Alliance for the Mentally Ill of MI, MI Hospice & Palliative Care Organization, American Cancer Society, American College of Cardiologists, Karmanos Institute, MI Pharmacists Assn., MI Assn. of Physician Assistants.

SB 831 would allow the Department of Community Health to implement a pharmaceutical best practices initiative to control the costs of health care, reduce the costs of prescription drugs, and assure continued access to pharmaceutical services at fair and reasonable prices. If implemented, the initiative would have to include the establishment and maintenance of a preferred drug list, and a prior authorization and appeal process.

- **SB 831 passed [RC 368: 37 yes, 0 no].**

SB 832 would prohibit DCH from requiring prior authorization for all anti-anxiety, anticonvulsant, antidepressant, or antipsychotic central nervous system drugs; drugs used to treat certain mental disorders; drugs used to treat HIV, cancer, and hepatitis C; and drugs used in organ replacement therapy.

- **SB 832 passed [RC 369: 37 yes, 0 no].**

SB 1133 (Birkholz)

SB 1135 (Garcia)

Support: MMA, MI Chemical Council, MML, Chamber, MI Environmental Lab Association --
The package allows for additional review of the current laboratory system within the DEQ and gives commercial labs a way to have their work approved to be used by the DEQ.

Oppose: DEQ -- The role described for the Auditor General is unconstitutional because it is inconsistent with the requirement that audits be post-performance. The DEQ's laboratories must be allowed to operate so that they maintain enforcement capabilities.

SB 1133 would require the DEQ would have to implement a Laboratory Data Quality Recognition Program in order to identify commercial laboratories in the State that the Department considered to be qualified to generate analytical data for submission to the DEQ. The DEQ could charge a commercial laboratory a maximum fee of \$500 for participation in the Quality Recognition Program, to defray the costs of evaluating the lab. If a commercial lab only participated in the Program with respect to certain types of analytical data, the fee would have to be adjusted accordingly, based on a fee scale established by the Department.

- **Birkholz 1 (4 amends) was adopted [no RC].**
- **SB 1133 passed [RC 382: 37 yes, 0 no].**

SB 1135 would create the Laboratory Data Quality Assurance Advisory Council consisting of four members appointed by the Senate Majority Leader and three members appointed by the Speaker of the House. The Council would: 1) monitor and evaluate the Quality Recognition Program, including the structure of quality systems described in Senate Bill 1133, and the appropriate scope of review of those systems and 2) Determine whether the Quality Recognition Program should be retained, revised, or replaced with a laboratory inspection program or a nationally recognized accreditation program.

- **Birkholz 1 (4 amends) was adopted [no RC].**
- **SB 1135 passed [RC 383: 36 yes, 1 no (Sanborn)].**

SB 1201 (McManus)

SB 1202 (Hardiman)

SB 1203 (Gilbert)

SB 1240 (George)

SB 1201 would allow multiple Downtown Development Authorities to enter into agreements to work together. Detroit Regional Chamber: Joint DDAs will connect redevelopment efforts between communities. This will allow for efficiencies in municipal governments and encourage regional development to maximize the impact of local tax dollars.

- **SB 1201 passed [RC 373: 37 yes, 0 no].**

SB 1202 would allow a municipality, meaning a city in which an historic district is located, to establish multiple authorities inside a historic district to halt property value deterioration and increase property tax valuation and promote residential and economic growth. Detroit Regional Chamber: The bill would provide historical neighborhoods with a tool to develop more than just an individual site.

- **SB 1202 passed [RC 374: 37 yes, 0 no].**

SB 1203 allow a municipality to designate a Downtown Development Authority located in that municipality to operate a parking violations bureau. The expenses of operating and the personnel of the parking violations bureau would be determined by the municipality. By allowing a city, village, or township to delegate the operation of a parking violations bureau to a DDA within the city, village, or township, the bill would provide a degree of administrative flexibility to municipalities. Also, allowing a city, village, or township to have its DDA operate a parking violations bureau could save the municipality the cost of operating a bureau and employing its staff.

- **SB 1203 passed [RC 366: 37 yes, 0 no].**

SB 1240 would allow a Downtown Development Authority to create, operate, and fund marketing initiatives that benefit the downtown district and contract for broadband service and wireless technology service in the downtown district.

Support: Michigan Economic Development Corporation, Michigan Cable Telecommunications Association, Telecommunications Association of Michigan.

- **SB 1240 passed [RC 367: 36 yes, 0 no].**

HB 5008 (Huizenga)

HB 5008 would require that motorcycle registrations would expire on the owners birthday rather than March 31st of each year.

- **HB 5008 passed with IE [RC 376: 37 yes, 0 no].**

HB 5273 (Casperson)

HB 5273 would change the penalties associated with transporting hazardous waste. Under the bill a person violating the federal law and rules requiring the transport of hazardous waste would be subject to a civil infraction and a fine of not more than \$500. If a person willfully violates the federal law or rules, then upon conviction they are subject to a one-year misdemeanor or a fine of not more than \$500, or both. Further, if a

person transporting hazardous waste material without the required permits causes injury or death in the event of a spill, then upon conviction they are guilty of a 1 year misdemeanor or a fine of not more than \$500, or both.

[Prior to September 11th, a violation of this section of law was a 90 day misdemeanor or a \$500 fine, or both. After 9-11, the violation was increased to a 1 year misdemeanor, which is a jailable offense. This means upon issuing the ticket the person is transported to jail for fingerprinting and booking. However, the State Police feel that this is really a “paper offense” and the penalty is worse than the crime.]

- **HB 5273 passed with IE [RC 377: 37 yes, 0 no].**

HB 5494 (Julian)

HB 5494 would create the Michigan Law Enforcement Officers Memorial Act to: 1) create the Michigan Law Enforcement Officers Memorial Monument Fund; 2) establish a commission to oversee the fund and the construction of a memorial monument to law enforcement officers slain in the line of duty; 3) prohibit the use of telemarketing to raise funds, limit other fund-raising activities, and make it a misdemeanor to violate these provisions; and 4) provide for the dissolution of the commission and fund after the monument was completed.

- **HB 5494 passed with IE [RC 372: 37 yes, 0 no].**

HB 5502 (Wenke)

HB 5503 (BYRUM)

HB 5504 (CONDINO)

HB 5505 (Koetje)

STREAMLINED SALES TAX PACKAGE

HBs 5502-05 would authorize the state’s participation in the Streamlined Sales Tax Project, a multi-state effort to simplify and modernize sales and use tax collection and administration as a means of reducing the burden of collecting those taxes on sellers, thereby increasing compliance with the taxes.

Support: Michigan Association of School Boards, Michigan Manufacturers Association, MFT-SRP, Michigan Small and Rural Schools Association, Michigan Association of School Administrators, Grand Rapids Area Chamber of Commerce, Auto Dealers Association of Michigan, Oakland Schools, Detroit Regional Chamber of Commerce, Michigan Chamber of Commerce, AT&T, CIT Technologies, and the Michigan Association of Grocers.

HB 5502:

- **HB 5502 passed with IE [RC 378: 29 yes, 8 no (GOP)].**

HB 5503:

- **HB 5503 passed with IE [RC 379: 29 yes, 7 no (GOP)].**

HB 5504:

- **HB 5504 passed with IE [RC 380: 29 yes, 7 no (GOP)].**

HB 5505:

- **HB 5505 passed with IE [RC 381: 29 yes, 7 no (GOP)].**

HB 5681 (Shackleton)

HB 5681 would update the penalties applicable to a person who would “cut, peel, damage, destroy, or remove a tree” from Mackinac Island. It would also create in statute penalties for operating a motor vehicle within the state park.

Support: History, Arts, and Libraries, Mackinac Island State Park Commission, MI Environmental Council.

- HB 5681 passed with IE [RC 375: 37 yes, 0 no].

HB 5730 (Taub)

HB 5731 (MCCONICO)

HB 5730 would allow the Ryder Cup to qualify for an international sporting event liquor license. The bill would increase the license fee from \$100 to \$1,000. The license revenue is split between the State (45%) and local governments (55%).

- HB 5730 passed with IE [RC 370: 37 yes, 0 no].

HB 5731 would allow the Major League Baseball All-Star game (2005), Super Bowl (2006), the National College Athletic Association Final Four (2008), and the Professional Golfers Association Championship (2008) to qualify for an national sporting event liquor license.

- HB 5731 passed with IE [RC 371: 37 yes, 0 no].

THIRD READING

HB 5859 (LIPSEY)

HB 5859 would specify that a chain of title must exist for a mortgage before the date of a foreclosure sale that results from a foreclosure by advertisement (but need not exist before the foreclosure by advertisement process is initiated). The aim of the bill is to clarify a current dispute over when a record chain of title showing the assignment of the mortgage to the foreclosing mortgagee needs to exist in the foreclosure by advertisement process. The bill would say that it needs to be in place prior to the foreclosure sale not prior to the initiation of the foreclosure process. The bill also would require that the person whose property was being foreclose on be given, as part of the notice of foreclosure, the date of the most recent assignment of the mortgage.

- Bishop 1 (2 amends) was adopted.
- HB 5859 was moved to 3rd Reading.